

US Serial No. 10/528714
Page 1 of 3

RECEIVED
CENTRAL FAX CENTER

NOV 23 2009

Attorney File Ref: 102792-429 (11038P1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Andrea DUDDINGTON
Serial No.: 10/528714
Filed: 24.Aug.2005
Examiner: Trevor M. LOVE
Art Group: 1611
Title: SURFACE TREATMENT

PER TELEFAX (571) 273-8300

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

23.November.2009

Dear Sir;

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR §1.137(b)**

The applicant hereby petitions under 37 CFR §1.137(b) to revive the above application.

The applicant has received a *Notification of Abandonment* dated 18.Nov.2009, a copy of which is enclosed for reference of the Office. Reinstatement of this application, and return to the normal course of prosecution is respectfully requested.

US Serial No. 10/528714
Page 2 of 3

RECEIVED
CENTRAL FAX CENTER

NOV 23 2009

Applicant submits that the entire delay in filing the required reply (*Amendment*) from the due date for the reply until the filing of a grantable petition was unintentional.

A review of the applicant's file indicates that the cause of the abandonment may be due to an administrative error at the USPTO. On 24.March.2009 the undersigned telefaxed an *Amendment* to (571) 273-8300 at approximately 06.:45 PM, which was received by the USPTO as is evidenced from a "Fax Activity Log" printed out that same date. Copies of both the *Amendment* and the Fax Activity Log are enclosed; the last entry of the latter corresponds to the record showing confirmation of the full transmission of the *Amendment* to the above telephone number. Thus, the undersigned asserts that the *Amendment* was timely filed in the USPTO as of that date. The undersigned does not have a record of the customary "autoreply" telefax receipt typically generated by the USPTO, and postulates that this may be due to a telefax transmission error or the like originating at the USPTO.

The applicant asks that the *Amendment* dated 24.March.2009 be entered as the response to the prior *Office Action*, and that the present *Notice of Abandonment* be withdrawn as being improper.

The undersigned asks that any and all additional fees (including any required additional extension of time fees) required to enter the foregoing *Amendment*, and to reinstate the present application, be charged to USPTO Deposit Account No. 14-1263.

Should the Office have any question regarding this petition, they are invited to telephone the undersigned at the number given below.

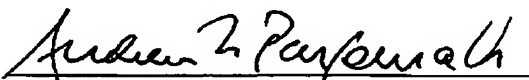
US Serial No. 10/528714

Page 3 of 3

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



Andrew N. Parfomak, Esq.

Reg.No. 32,431

Norris, McLaughlin & Marcus, PC

875 Third Ave., 18th Floor

New York, NY 10022

23 Nov. 2009

Date:

Tel: 212 808-0700

Enclosures – as indicated

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper and all indicated enclosures is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:



Allyson Ross

23 Nov. 2009

Date:

C:\ANPCMB\102792\429\PetitionReviveApplication.doc